

Minutes of the State Board of Health October 6, 2004

The Washington State Board of Health (SBOH) met at the Wenatchee Convention Center in Wenatchee, Washington. Chair Tom Locke called the public meeting to order at 9:00 a.m. and addressed the attendees with the following statement:

“This is a public meeting of the State Board of Health held under provisions of RCW 43.20. Notice of the meeting was provided in accordance with provisions of RCW 34.05, the Administrative Procedures Act. Those members having any conflict of interest on any item coming before the Board will report that conflict with respect to the particular subject under consideration. In case of challenge of any Board members by the public, the Board shall decide the status of the challenged members to participate before considering the substance of the matter.

Copies of all materials supplied to the Board for today’s meeting have been available since close of business last Friday from the Board’s Olympia office and on the Board’s Web site at www.sboh.wa.gov. They are also available today, along with anything else we have received since, at the table in the back of the room. To conserve public funds, we have only made as many copies as we feel will be needed, so we may run out of some particularly popular items. If you do not find a document you need, please ask Executive Assistant Desiree Robinson or another Board staff person for one.

Our meeting today is open to the public, so please feel free to listen in on informal discussions involving Board members or staff, including any that may occur during breaks or lunch.”

SBOH members present:

Thomas H. Locke, MD, MPH, Chair
Charles Chu, DPM
Ed Gray, MD
Frankie Manning, MN, RN

Carl Osaki, RS, MSPH
Mary Selecky
Mel Tonasket
The Honorable David Crump, PhD

SBOH members absent:

Linda Lake, MBA

The Honorable Carolyn Edmonds

State Board of Health Staff present:

Craig McLaughlin, Acting Executive Director
Marianne Seifert, Health Policy Advisor
Tara Wolff, Health Policy Advisor

Candi Wines, Health Policy Advisor
Desiree Robinson, Executive Assistant
Bryan Gaver, Assistant to the Board
Melissa Burke-Cain, Counsel

Guests and Other Participants:

Janice Adair, Department of Health
Art Busch, Worker's Educational Association,
Midstate Uniserv

Dave Cundiff, Wahkiakum County
Department of Health and Human Services
Michelle Davis, Department of Health
Michael Davis, Seattle Public Utilities

Bill Dewey, Taylor Shellfish Co., Pacific Coast Shellfish Growers Association
Ed Dzedzy, Lincoln County Health Department
Maryanne Guichard, Department of Health
Selden Hall, Department of Health
Chip Halverson, Indoor Environmental quality Workgroup
Cheryl Hanks, Department of Health
Jo Hofman, Department of Health
Sharon Hopkins, Public Health--Seattle and King County
Terry Hull, Puget Sound Action Team
Melanie Kimsey, Department of Ecology
Barry Kling, Chelan-Douglas Health District
Jane C. Lee, Department of Health
Steven Macdonald, Department of Health

Bob Martin, Worker's Education Association, North Central Uniserv
Jim Matsuyami, NE Tri-County Health District
Bruce Perkins, Benton-Franklin Health District
James Pitkin, Wenatchee World
John Stormon, Department of Ecology
Chris Townley, Department of Health
Jude Van Buren, Department of Health
Fred Wageman, Department of Health
Paul Waterstrat, Okanogan County Public Health
Marcella Wilson, Seattle Public Utilities
John Wolpers, Kittitas County Health Department

APPROVAL OF AGENDA

Motion: Approve October 6, 2004 agenda

Motion/Second: Crump/Manning

Approved unanimously

NOTIFIABLE CONDITIONS, CHAPTER 246-101 WAC—HISTORY REVIEW AND DISCUSSION OF FUTURE RULE MAKING

Candi Wines, Board staff, called the Board's attention to the materials behind Tab 3. Chair Locke gave a presentation on the purpose of the notifiable conditions system and emphasized the dynamic nature of the list of reportable conditions. Jude Van Buren, DOH Assistant Secretary, Epidemiology, Health Statistics, and Public Health Laboratories, followed with a presentation on how the notifiable conditions system functions and how the data obtained from reporting is used for public health purposes (see presentations for more information).

The discussion that followed focused primarily on how the system functions and how limited resources affect the efficiency of the system. Board Member David Crump inquired about the purpose of notifiable conditions and the flexibility to add new conditions. Chair Locke explained the importance of public health intervention, prevention, and public safety in relation to notifiable conditions. With respect to flexibility, DOH and local health jurisdictions are able to respond quickly through mechanisms such as the emergency rule and the authority of local health officers to require reporting in their own jurisdictions.

Board Member Ed Gray asked about data integrity and the level of erroneous reporting. Ms. Van Buren explained how data are collected and indicated that there may be some under-reporting.

Chair Locke asked Jo Hoffman, State Epidemiologist, DOH, to join the discussion. Board Member David Crump asked about the flow of reported information. Dr. Hoffman explained that

most conditions are reported directly to local health jurisdictions and then to the State Department of Health, however some conditions (e.g., those that do not require immediate response) are reported directly to the State Department of Health. Mr. Crump also asked for an explanation of the ‘unexplained illness and death’ category. Dr. Hoffman explained the role of case definitions in reporting requirements.

Board Member Mel Tonasket asked about the fiscal impact of notifiable conditions on local health jurisdictions. Chair Locke spoke from a local perspective and noted that public health resources are stretched thin. He noted that a resource gap anywhere in the state could jeopardize the public health of the rest of the state. Mr. Tonasket indicated that he was concerned about responsiveness and sustainability issues and hoped that this would be added to the agenda of the Board retreat. Dr. Hoffman noted that resources are also limited at the state level and as a result, investigations are streamlined. She also noted that a potential criterion for adding conditions to the list might be the availability of resources to handle related investigations and interventions.

Mr. Crump asked how independent jurisdictions relate to the state’s systems, e.g. military bases, tribal communities, and border states/countries. Dr. Hoffman responded that participation varies, but all licensed providers within the state are required to report conditions to the local or state health departments. Mr. Tonasket spoke of his experience with tribal health care and he noted that many tribes might not have the resources to fulfill reporting requirements.

Board Member Mary Selecky indicated that the first responsibility for notifiable conditions lies with local health jurisdictions, and that an effort has been made to find funding for this work, but she noted that Washington will face a budget shortfall of at \$1 billion. Secretary Selecky also noted that federal funding is being used to build and strengthen epidemiological capacity across the state.

SEPTIC OPERATIONS AND MAINTENANCE IN MARINE COUNTIES—SURVEY OF CURRENT PRACTICES AND POSSIBLE RESOLUTION

Board Member Carl Osaki introduced the topic and explained that today’s discussion is a follow up of the discussion held in July 2004. He introduced Maryanne Guichard, Director of the Environmental Health and Safety program, DOH, and Melissa Burke-Cain, Counsel to the Board.

Ms. Guichard introduced her colleague Selden Hall who developed a survey to collect the information about septic operations and maintenance program in marines counties, information the Board requested in July 2004. DOH also surveyed all local health jurisdictions (LHJs) in Washington to collect information about best management practices for operations and maintenance programs. It also met with LHJ representatives in conjunction with Ron Schultz from the Governor’s Office. Ms. Guichard’s presentation focused on three themes that emerged from these efforts. First, all LHJs recognized operations and maintenance programs as an important component of onsite programs, especially in areas of high risk such as shellfish areas and vulnerable aquifers. Most representatives recognized that much is being done, but there is room for more to be done especially in the high-risk areas. They also stressed flexibility at a local level with respect to onsite rules. Ms. Guichard summarized data collected from the

surveys and the meeting and highlighted examples from several LHJs. A copy of the presentation is available in the meeting binder behind tab 4.

Board Member Mary Selecky mentioned activities in Mason County and Ms. Guichard expanded on some of the successes in that community. Ms. Guichard volunteered again to meet with Board members to review the rule prior to the November hearing.

Chair Locke acknowledged the work of the DOH staff and noted that the briefing today was a summary of activities over the past ten years since the Board passed the last mandate. Board Mr. Osaki thanked Maryanne Guichard and Selden Hall for their work and reminded the Board that this information should be retained for the November meeting. SBOH Acting Executive Director Craig McLaughlin noted that the proposed resolution the Board would consider next before data from the survey was available.

Mr. Osaki then introduced the proposed resolution and read into the record changes from the version in the Board packets.

Motion: The Board adopts Resolution 04-04 and directs staff to transmit it to the Governor and other interested parties with the following changes to the last paragraph:

“BE IT FURTHER RESOLVED that the Washington State Board of Health recommends that the Governor, in consultation with state agencies, local public health officials and local governments, consider legislative solutions, which might include: (1) reducing barriers to local health officials seeking administrative warrants to access private property in order to inspect septic systems; (2) providing prosecutorial support for local health officers seeking to enforce compliance with septic regulations; (3) establishing legislative direction that the Department of Ecology should exercise its existing authority to enact rules to reduce water quality degradation from onsite septic systems and should do so in collaboration with the Board so that local governments are not required to implement two different sets of administrative rules regarding septic systems; and (4) providing state funding to help local jurisdictions develop information systems and other infrastructure requirements needed to implement effective septic management programs; and (5) allowing for the formation or strengthening of special districts, such as shellfish protection districts, that would provide administrative structures, adequate legal authorities, and stable sources of funding for implementing effective septic management programs.”

Motion/Second: Osaki/Chu

The discussion of the motion focused on the necessity and feasibility of requesting legislative action that allows for the formation or strengthening of special districts.

Motion to amend: Delete the phrase, “(5) allowing for the formation or strengthening of special districts, such as shellfish protection districts that would provide administrative structures, adequate legal authorities, and stable sources of funding for implementing effective septic management programs.”

Motion/second: Gray/Tonasket

Approved four to three

The Board then took a voice vote on Mr. Osaki's motion.

Approved unanimously

The Board took a break at 11:10 a.m. and reconvened 11:25 a.m.

COMMUNITY ENVIRONMENTAL HEALTH ASSESSMENT REPORT AND BEST PRACTICE

Mr. Carl Osaki provided background on the Community Environmental Health Assessment (CEHA) report and acknowledged Board Staff Marianne Seifert for her work on the project. He presented a summary of the report and the recommendations; a copy of his presentation and a copy of the report are available behind tab 5 in the Board packet.

Chair Locke underscored the importance of the work and recognized that environmental health assessments are a missing element in many community health reports. Mr. Crump noted the enormity of the project and asked about the next steps such as distribution of the report. Mr. Osaki responded that groups and agencies have requested copies of the report, and if the Board adopts the report, it will be distributed to them and others. Board Member Frankie Manning applauded the work and commented that ignoring environmental health issues would endanger us all.

Ms. Seifert discussed her experiences with the interviews and working with community, a process that also provided an opportunity to inform participants about the Board's work. Secretary Selecky noted that the report is a compilation of information that can be used to guide the work of public health programs, and that the content of the report can add value to community efforts. Mr. Tonasket complimented the report and added his support for the content. Board Member Charles Chu thanked Mr. Osaki and Ms. Seifert for their work and acknowledged the success of Island County's community environmental health assessment process.

Motion: The Board approves the draft of the proposed Final Report on Community Environmental Health Assessment, as presented October 6 {and amended}. It directs staff to continue soliciting comment on the report until 5 p.m. October 13, 2004, revise the draft as necessary and appropriate, and circulate it one more time to the Board and Committee chairs for review and comment. At the end of the process, the Chair and Committee are authorized by the Board to approve a final draft for publication.

Motion/Second: Osaki/Crump

Approved unanimously

Mr. Osaki introduced Michael Davis and Marcella Wilson, from Seattle Public Utilities, who described the Environmental Justice Needs Assessment project (see presentation in the Board packet). This project is one of the "best practices" described in the CEHA report. Mr. Crump requested a copy of Mr. Davis and Ms. Wilson's notes, to learn more about who speaks for communities and what taboos were identified. He also asked about the process for determining focus groups. Mr. Davis responded that the community based organizations they consulted with in the beginning advised on including diverse ethnic groups in neighborhoods, not working with

different ethnic groups separately. Ms. Manning commended the work and stressed the importance of involving communities. She asked about EJNA's plans to go back to the communities. Ms. Wilson and Mr. Davis responded that the work is ongoing, and that after problems are identified they continue to work with the communities to find resolutions to the problems. Chair Locke asked that the lessons learned be included in the report. Secretary Selecky thanked Mr. Davis and Ms. Wilson for their partnership with DOH on Duwamish issues and commented on how the process they used acts as a model for the agency.

Mr. Osaki and other Board members recognized Ms. Seifert for her work and commitment to the Board throughout her tenure. They commended her dedication and expressed how much she will be missed after her departure from the Board at the end of October.

The Board adjourned for lunch at 12:40 p.m. and resumed at 1:33 p.m.

DEPARTMENT OF HEALTH UPDATE

Secretary Selecky discussed the Featherstone Reid Award, thanked the Board for its advisory role, and reminded Board members and the audience about the need for new nominations. She reviewed health messages about Mt. Saint Helens eruptions and flu vaccine availability, the read the Governor's press announcement about the allocation of \$750,000 for testing drinking water for lead and referred to the letter from Representative Mary Lou Dickerson in the Board packets (see Tab 7). Secretary Selecky reviewed data from the Lead Registry, adding that DOH is working with schools on testing drinking water, and ended with her recommendation that the Board and DOH have consistent messages on this issue. Secretary Selecky briefly described the Priorities of Government process, results, and challenges.

SBOH ANNOUNCEMENTS & OTHER BOARD BUSINESS

SBOH Acting Executive Director, Craig McLaughlin, referred to materials behind Tab 7, including the proposed Board meeting schedule, the letter from Representative Dickerson and other materials about lead in drinking water. He added that the Board members and staff are working on bringing the material to the Board. Mr. McLaughlin reviewed the materials on the UPN 11 proposal for a media partnership on addressing obesity, and added that a CR-101 notice has been filed to begin the school environmental health rule revision and a CR-102 has been filed for the notifiable conditions rule hearing.

ZOONOTICS REPORT

WSBOH Chair Tom Locke introduced the agenda item and the panelists. Ms. Wines introduced the panelists, Sharon Hopkins, Public Health Veterinarian, Public Health—Seattle & King County (PHSKC) and Maryanne Guichard, Director of Environmental Health and Safety, Department of Health. Dr. Hopkins reviewed the presentation on zoonotic diseases and exotic pets (see materials behind Tab 8), including the 2003 monkeypox outbreak. Chair Locke described the prairie dog example as the "tip of the iceberg" in terms of importation of exotic animals. Recently there are similar examples in Canada with hamsters and tularemia. Dr. Hopkins concluded from the work that we need to know a lot more, and that current regulations are not up to date. Ms. Guichard reviewed the report recommendations.

Chair Locke thanked the workgroup and Ms. Wines. Mr. Osaki asked if PHSKC still inspected pet shops. Dr. Hopkins replied that PHSKC conducts annual licensing and sanitation inspections and verifies that point of sale education regarding psittacosis is being delivered. The pet shops are supposed to keep records of sales of psittacine birds but tracking of other animals is not mandated. Mr. Osaki suggested there be additional oversight of animals, and asked if the workgroup saw injuries as a public health issue. Dr. Hopkins replied that some animals are prohibited as pets in some localities due to injury concerns but the work group focused on issues of infectious diseases. Mr. Osaki asked what the Board's role in oversight is. Chair Locke replied that there are concerns, but that we are currently in the discovery stage, and additional documentation of the human health threats and benefits of regulation are needed. Mr. Osaki added that zoonoses are important and that he would like to move the issue forward. Mr. Crump inquired about the risk of spreading disease through the food supply and Dr. Hopkins commented that the risk depends greatly on the disease and cited examples of meat recalls, etc. Ms. Selecky added that the Council of State and Territorial Epidemiologists passed a resolution that recommended the formation of a national work group consisting of federal, state, and organizational representatives to develop recommendations regarding importation, distribution, and possession of exotic animals. Secretary Selecky also noted that the Department is grateful for the additional funding it received from the Legislature for the DOH zoonotic diseases program. Mr. Osaki asked about a timeline for additional work products. Ms. Guichard replied that they have not developed a timeline yet, except they anticipated beginning work on rule revision in 2006. Mr. Tonasket suggested expanding the workgroup membership to include someone who works on bioterrorism and emergency preparedness. Ms. Selecky replied that Mira Leslie is involved in emergency preparedness and that his suggestion was a good one. Mr. McLaughlin added that the CDC funded part of this work with its emergency preparedness grant.

Motion: The Board accepts the draft report titled "Zoonotic Diseases and Exotic Pets: A Public Health Policy Analysis" and the recommendations of the work group. The Board directs the staff to revise the draft as necessary and appropriate. At the end of the process, the Chair is authorized by the Board to approve a final draft.

Motion/Second: Crump/Manning

Approved unanimously

REQUEST TO DELEGATE WATER RECREATION RULE, CHAPTER 246-260 WAC, TO CORRECT DRAFTING ERRORS

WSBOH Member Carl Osaki introduced the agenda item as needed to correct typos in the rule previously passed by the Board, and referred to his memo requesting that the correction of five typographical errors be delegated to DOH (see materials behind Tab 9).

Motion: The Board delegates rule making authority to the Department of Health for the sole purpose of amending Chapter 246-260 WAC to correct references to tables.

Motion/Second: Osaki/Tonasket

Approved unanimously

PUBLIC TESTIMONY

The Board heard public testimony from the following people:

Bill Dewey, owner of a shellfish company and representing three shellfish organizations, indicated his approval for strengthening marine onsite sewage regulations. Mr. Dewey noted that during the time he has been in the business 25 percent of shellfish beds have been downgraded. He said the shellfish industry plays a significant role in many rural economies. He thanked the Board for passing the resolution earlier today (Resolution 04-04). He noted that he had first approached the Board about this issue in 1995. Mr. Dewey also noted that he has some concerns that he will share with DOH and SBOH staff. Chair Locke asked about the shellfish protection districts. Mr. Dewey replied that where they fall short is in implementation and funding of plans.

Chip Halverson, a teacher who also serves on the Washington Education Association's indoor environmental quality work group, handed out a packet to Board members. The letter asked for a formal investigation of the professional conduct of a DOH employee regarding handling of indoor air issues. He also called the Board's attention to letters from Catherine Kooy, a teacher at Ephrata High School. Mr. Halverson asked the Board to follow up on this matter. Board Member Secretary Selecky indicated that this was the first time she and the DOH employee's supervisor had heard of this complaint and that the Department would address it. She asked Mr. Halverson to speak with Ms. Guichard after the meeting. Board Member Tonasket indicated that he was concerned about indoor air quality in schools and would like this issue to be explored in further depth by the Board.

Bob Martin, spoke about remodeling issues at the high school he teaches at in Cashmere. He asked the Board to focus on creating good, healthy school environments for kids. Mr. Tonasket suggested that hospital regulations might provide ideas or a model for schools. Chair Locke indicated that the Board has a long history of involvement in this issue and requested that information be supplied to Board members. Ms. Manning added that a healthy school environment extends beyond the building and policies must also address food and physical activity for students.

The Board moved into Executive Session.

ADJOURNMENT

Chair Locke adjourned the meeting at 4:47 p.m.